

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

	X
MARIA GARCIA,	:
	:
	Plaintiff,
-against-	:
	24 Civ. 2234 (LGS)
	:
RAY'S SMOOTHIES INC., et al.,	:
	<u>ORDER</u>
	Defendants.
	X

LORNA G. SCHOFIELD, District Judge:

WHEREAS, by the Default Judgment Order dated January 30, 2025, Plaintiff was granted in part and denied in part judgment against Defendants. Default judgment was granted as to Plaintiff's Fair Labor Standards Act ("FLSA") overtime claim and New York Labor Law ("NYLL") claims. Default judgment was denied as to Plaintiff's FLSA minimum wage violation claim. Plaintiff's request for damages was then referred to Magistrate Judge Stewart D. Aaron for a post-default judgment inquest.

WHEREAS, on March 15, 2025, Judge Aaron issued a Report and Recommendation (the "Report") recommending that Plaintiff be awarded \$31,420 in damages, jointly and severally, against Defendants under FLSA and NYLL. The Report also recommended that Plaintiff be awarded \$6,740 in attorneys' fees and costs.

WHEREAS, the Report states that the parties "shall have fourteen (14) days (including weekends and holidays) from service of this Report and Recommendation to file written objections," and "[a] party may respond to another party's objections within fourteen days after being served with a copy." Pursuant to Federal Rule of Civil Procedure 6(d), those deadlines would be extended for three days if service was affected by one of the means listed in Rule 5(b)(2)(C), (D) or (F), including by mail to a party's last known address.

WHEREAS, Plaintiff's Certificate of Service at Dkt. No. 42 confirms that Defendants were served on March 18, 2025.

WHEREAS, no objection to the Report was filed.

WHEREAS, the recommendation in the Report is based on a finding that Plaintiff is owed \$10,710 in damages for her FLSA overtime claim, \$10,710 in liquidated damages under FLSA and \$10,000 in damages for her NYLL claims, pursuant to Plaintiff's representations as to the dates and hours she worked during the relevant time period, for a total of \$31,420.

WHEREAS, in reviewing a magistrate judge's report and recommendation, a district judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "In a case such as this one, where no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." *Frankiewicz v. Manhattan Cryobank, Inc.*, No. 20 Civ. 5157, 2025 WL 1068825, at *1 (S.D.N.Y. Apr. 8, 2025).

WHEREAS, the Court finds no clear error on the face of the record as to Judge Aaron's recommendations. It is hereby

ORDERED and ADJUDGED that the damages award in the Report is **ADOPTED** in full for the reasons stated in the Report. Plaintiff is awarded \$31,420 in damages and \$6,740 in attorneys' fees and costs, jointly and severally, against Defendants.

The Clerk of Court is respectfully directed to close the case.

Dated: July 22, 2025
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE